IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 14260 of 2007(V)

PETITIONER:

K.P.LAKSHMANA IYER, TRUSTEE,
KASTURBA ENGLISH MEDIUM SCHOOL TRUST,
MANJUMMAL, ELOOR.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:
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1. THE ELOOR GRAMA PANCHAYATH,
REP. BY THE SECRETARY, SPECIAL GRADE,
ELOOR GRAMA PANCHAYATH, UDYOGAMANDAL.

2. THE CHIEF TOWN PLANNER,
O/O. CHIEF TOWN PLANNER, THIRUVANANTHAPURAM.

BY ADV. SRI.V.SANKARA RAJA
R1 BY SMT.T.T.JOSEPHINE, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE BUILDING PERMIT DTD. 13/06/2005 ISSUED TO THE PETITIONER.**
EXT.P2:	**COPY OF THE APPROVED PLAN DTD. 13/06/2005.**
EXT.P3:	**COPY OF THE PROCEEDINGS OF THE OFFICE OF THE CHIEF TOWN PLANNER, THIRUVANANTHAPURAM DTD. 24/11/2006.**
EXT.P4:	**COPY OF THE BUILDING PERMIT NO. BA 270/05-06 DTD. 12/02/2007.**
EXT.P5:	**COPY OF THE APPROVED PLAN DTD. 12/02/2007.**
EXT.P6:	**COPY OF THE RECIEPT NO.36503 DTD. 13/06/2005.**
EXT.P6(A):	**COPY OF RECEIPT NO.57078 DTD. 12/02/2007.**
EXT.P7:	**COPY OF THE PROVISIONAL ORDER ISSUED BY THE 1ST RESPONDENT DTD. 12/03/2007.**
EXT.P8:	**COPY OF THE EXPLANATION DTD. 13/03/2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**
EXT.P9:	**COPY OF JUDGMENT DTD. 19/03/2007 IN WP(C) NO.8819/2007 HIGH COURT OF KERALA.**
EXT.P10:	**COPY OF REPRESENTATION DTD. 20/04/2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 20/04/2007.**
EXT.P11:	**COPY OF THE PLAN SUBMITTED BY THE PETITIONER FOR EXTENSION TO THE EXISTING BUILDING.**
EXT.P12:	**COPY OF ORDER NO.BA 270/05-06 DTD. 28/04/2007 ISSUED BY THE 1ST RESPONDENT.**
EXT.P12(A):	**COPY OF CONFIRMATION ORDER DTD. 24/04/2007 ISSUED BY THE 1ST RESPONDENT.**
EXT.P13:	**COPY OF ORDER DTD. 27/04/2007 ISSUED BY THE FIRST RESPONDENT.**

EXT.P14: COPY OF THE LETTER DTD. 21/02/2005 ISSUED BY THE FIRST RESPONDENT FORWARDING THE APPLICATION OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P15: COPY OF THE REPRESENTATION DTD. 21/03/2005 ISSUED BY THE CENTRAL TOWN PLANNER TO THE 2ND RESPONDENT.

EXT.P16: COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR, ERNAKULAM DTD 17/01/2006.

EXT.P17: PHOTOGRAPH SHOWING THE PRESENT POSITION OF THE SCHOOL AND THE COURTYARD.

EXT.P17(A): PHOTOGRAPH SHOWING THE PRESENT POSITION OF THE SCHOOL AND THE COURTYARD.

EXT.P17(B): PHOTOGRAPH SHOWING THE PRESENT POSITION OF THE SCHOOL AND THE COURTYARD.

EXT.P18: PHOTOGRAPH SHOWING THE EARTH FILLING.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(1): COPY OF ORDER DTD. 23/12/2005 ISSUED BY THE DISTRICT COLLECTOR TO SMT. SUNDARI LAKSHMANAN, CHAIR PERSON, KASTHURBA ENGLISH MEDIUM SCHOOL, ELOOR.

EXT.R1(2): PHOTOGRAPH OF KASTHOORBA ENGLISH MEDIUM SCHOOL (CBSE), ELOOR.

EXT.R1(3): COPY OF PROCEEDINGS DTD. 24/04/2007 OF THE 1ST RESPONDENT – ELOOR GRAMA PANCHAYAT.

EXT.R1(4): COPY OF THE DOCUMENT NO.3958/2002 DTD. 23/07/2002 OF S.R.O., ALANGAD.

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO.14260 of 2007

Dated this the 3rd day of October, 2007

JUDGMENT

Sri. Dinesh R. Shenoy, the learned counsel for the petitioner submits that structural safety presently highlighted by the learned standing counsel for the Panchayat are all technical matters, which would be considered by the CTP. Files produced by the Panchayat will show that the petitioner had submitted an application for the necessary plan . Sri.Dinesh Shenoy submits that the Panchayat be directed to forward the application along with the plan to the CTP. Smt.T.T.Josephine, the learned counsel for the respondent Panchayat submits that additional constructions are now proposed to be made on a building which constructed on the land which was originally paddy filed. The counsel for the petitioner does not agree. He submits that the Panchayat number the said building way back in 1999 whereas the paddy field was purchased only in 2003.

I find some merits in the above submissions of the learned counsel for the petitioner. The writ petition can be disposed of directing the Panchayat to forward the papers and direct the CTP to look into the safety aspect of the matter after conducting further

inspection regarding structural stability of the existing building.

PIUS C. KURIAKOSE,
JUDGE.

Dpk